

## U.S. Department of Justice



United States Attorney  
Southern District of New York

**MEMO ENDORSED**

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

March 10, 2008

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 3-11-08

Honorable Richard M. Berman  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: United States v. \$49,000 in United States Currency,  
07 Civ. 10629 (RMB)

Dear Judge Berman:

The Government writes in response to the Court's memorandum endorsement on the enclosed March 3, 2008 letter to Your Honor regarding the above-captioned forfeiture action. The Court directed the Government to submit any motion for an Order to Show Cause why a default judgment should not be entered by March 7, 2008. The Government writes to request permission to extend the date by which it must file its motion until April 30, 2008, and for leave to make this request out of time.

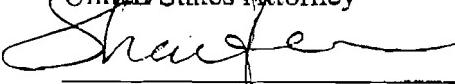
The period of time within which a person asserting an interest in the defendant-inrem property may file a claim has not yet ended. Pursuant to Rule G of the Supplemental Rules for Certain Admiralty and Maritime Cases, the Government has requested the United States Marshals Service to publish notice of the forfeiture action in a newspaper of general circulation for three consecutive weeks. Any persons asserting an interest in the defendant property then have 30 days after final publication of the notice in which to file a claim. The notice publication is then returned by the United States Marshals Service. The Government does not anticipate that any claimants will come forward in this case; however, the primary basis on which the Government intends to seek a default judgment – namely, that it has fulfilled its notice and publication obligations under Rule G – require it to wait for the return of publication by the Marshal before moving for an order to show cause.

For this reason, the Government respectfully requests that the Court extend the time within which the Government may file any such motion until April 30, 2008, to allow adequate time for return of publication by the U.S. Marshals. The Court requested that any motion for an order to show cause be filed on Friday, March 7, by noon; accordingly, the Government requests permission to seek this extension out of time.

Respectfully submitted,

MICHAEL J. GARCIA

United States Attorney



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When was the  
notice published?

SO ORDERED:

Date: 3/11/08



Richard M. Berman, U.S.D.J.